



Larry Bradfish/R9/USEPA/US

04/21/2006 08:58 AM

To Lewis Maldonado/R9/USEPA/US@EPA, Lewis
Mitani/R9/USEPA/US@EPA

cc

bcc

Subject Fw: Oahu Sugar Proof of Claim

Final Proof of Claim. Larry

----- Forwarded by Larry Bradfish/R9/USEPA/US on 04/21/2006 08:58 AM -----



"Hurst, Patricia (ENRD)"
<PHurst@enrd.usdoj.gov>

04/21/2006 07:01 AM

To waina.j.mcfarlane@navy.mil, Larry
Bradfish/R9/USEPA/US@EPA

cc

Subject Oahu Sugar Proof of Claim

<<Oahu Sugar POC.pdf>> Larry and Waina,

Here's a copy of the signed POC.

Thanks,



Patti Oahu Sugar POC.pdf

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN re)	
)	Chapter 7
OAHU SUGAR COMPANY LLC)	Case No. 05-15100
)	
Debtor.)	
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PROOF OF CLAIM OF THE UNITED STATES OF AMERICA
ON BEHALF OF THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
AND THE UNITED STATES DEPARTMENT OF DEFENSE,
DEPARTMENT OF THE NAVY

1. This Proof of Claim is filed by the United States at the request of the United States Environmental Protection Agency ("EPA"), and the United States Department of Defense, Department of the Navy ("Navy"). The Attorney General is authorized to make this Proof of Claim on behalf of the United States. This Proof of Claim relates to the recovery of environmental response costs incurred or obligated or that will be incurred or obligated by EPA and the Navy under the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. §§ 9601 et seq., for which the debtor is liable with respect to a facility operated by the debtor on the island of Oahu, Hawaii (the "Oahu Sugar Facility").

2. The debtor is liable to reimburse the United States for the costs (plus interest) of actions taken or to be taken by the United States in response to releases and threatened releases of

hazardous substances at the Oahu Sugar Facility. The debtor is liable to the United States pursuant to Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), as amended by the Superfund Amendments and Reauthorization Act of 1986, for response costs incurred or to be incurred by the United States with respect to the Facility because it was the operator of the Oahu Sugar Facility. There have been releases or threats of releases of hazardous substances at the Oahu Sugar Facility. The Oahu Sugar Facility is part of a larger complex of facilities called the Pearl Harbor Naval Complex Superfund Site, which is on the National Priorities List established pursuant to Section 105 of CERCLA, 42 U.S.C. § 9605. Response costs have been and will be incurred by EPA and the Navy at the Oahu Sugar Facility not inconsistent with the National Contingency Plan promulgated pursuant to Section 105 of CERCLA, 42 U.S.C. § 9605, and set forth at 40 C.F.R. ¶ 300, as amended. Other potentially responsible parties may, along with the debtor, also be jointly and severally liable to the United States under CERCLA with respect to the Oahu Sugar Facility.

3. The debtor is liable to the United States pursuant to Section 107(a) of CERCLA, 42 U.S.C. § 107(a). The grounds of liability are as follows:

A. EPA has incurred response costs through February 28, 2006 of \$108,685.34. The Navy erected and is maintaining the fence surrounding the Site at a cost, through October 31, 2005,